UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/444,774	11/22/1999	MICHAEL G MIKURAK		9073

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EXAMINER
DURAN, ARTHUR D

ART UNIT	PAPER NUMBER
3622	

DATE MAILED: 11/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 October 2004*.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *70, 73-87, 90-104 and 107-115* is/are pending in the application.

   4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *70, 73-87, 90-104, 107-115* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

   Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

   Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

   a)☐ All   b)☐ Some * c)☐ None of:

   1.☐ Certified copies of the priority documents have been received.

   2.☐ Certified copies of the priority documents have been received in Application No. _____.

   3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
   application from the International Bureau (PCT Rule 17.2(a)).

   * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
   Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
   Paper No(s)/Mail Date _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

1.   Claims 70, 73-87, 90-104, 107-115 have been examined.

Response to Amendment

2.   The Amendment filed on 10/12/04 is insufficient to overcome the Webber and Whipple

references.

Also, Examiner notes that the serial # of the header section for the Amendment and

Claims dated 10/12/04 is not correct. The serial # should read 09/444,774 not 09/387,655.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3.   Claims 70, 73-81, 87, 90-98, 104, 107-111 are rejected under 35 U.S.C. 103(a) as being

unpatentable over Webber (6,167,378) in view of Whipple (6,289,385).

Claim 70, 87, 104: Webber discloses a method, system, medium for a first business entity

to provide installation management in a network based supply chain framework between at least

two other independent business entities such as service providers, vendors, resellers,

manufacturers and the like, comprising:

causing a first business entity using a network to (col 6, lines 13-24; Fig. 4; col 19, lines 9-26):

(a)   receive information including information relating to a service provided by a service

provider from the service provider (col 6, lines 60-67; Fig. 4; col 1, lines 12-17; col 19, lines 9-

26);

(b)   receive information including information relating to manufacturer offerings by a

manufacturer from the manufacturer (col 6, lines 60-67; Fig. 4; col 19, lines 9-26);

(c) use the information provided by the service provider and the manufacturer to match the

service to the offerings (col 6, lines 62-64; Fig. 4; col 2, lines 34-36; col 8, line 65-col 9, line 17;

col 9, lines 47-52; col 19, lines 9-26).

·Webber does not explicitly disclose that the service and manufacturer offerings

information is utilized to manage installations.

However, Webber discloses installations (col 16, lines 20-25) computer service providers

(col 6, lines 13-23) and that the information can be utilized to manage a wide range of relations

between manufacturers, service providers, and clients (col 19, lines 9-26; col 3, lines 60-65; col

14, lines 48-54; col 17, lines 24-31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to that Webber's contracts management matching and managing method

can involve contracts involving installation management. One would have been motivated to do

this because installation management is an obvious form of contracts managements that involves

several parties.

Webber further discloses that his invention is oriented towards project management that

can include a wide variety of entities (col 3, lines 60-65; col 14, lines 47-55). Webber further

discloses complex management across numerous companies that also includes supply chain

management (col 21, lines 25-37). Examiner further notes that installation management is a type

of project management.

Webber does not explicitly disclose that the first business entity is a framework manager.

However, Whipple discloses an event manager or global collaboration manager that

coordinates all aspects of project management and framework management (col 2, lines 50-60;

Fig. 2; col 3, lines 16-23; col 4, lines 33-51). Whipple further discloses that the project

management can include numerous aspects of managing complex multi-enterprise projects (col

12, lines 30-60) and that the types of project that can be managed is highly flexible (col 15, lines

5-17) and that framework management has numerous aspects to it (col 17, lines 45-60). Whipple

further discloses supply chain management (col 1, lines 26-31).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to add Whipple's framework manager to Webber's first business entity

in project management. One would have been motivated to do this in order to expand the

flexibility and extensiveness of the project management that Webber discloses.

Webber further discloses that the business entities and parties involved, including project

management, utilize the Internet (Fig. 1, Fig. 2).

Webber discloses that a wide variety of business entities are involved, (Fig. 1, Fig. 2)

including various businesses, services, contracts, parties (col 3, lines 59-68)

Webber further discloses matching buyers of goods or services with suppliers of goods or

services, the matching of proposals (col 20, lines 15-21; col 7, lines 27-40; col 20, lines 29-43).

Webber further discloses using and evaluating the information provided by the service provider via the network and the manufacturer to match the service to the offerings (col 20, lines 15-21; col 20, lines 29-43).

Note that Webber's matching of a service request with the information on suppliers, goods, and services is evaluating which supplier, good, or service is an appropriate or possible match with the service request. Also, note that the evaluation can include cost information (col 20, lines 50-65; col 20, lines 21-30). Note that it would be obvious for Webber to include the provided price information when evaluating which match to inform the user of. Webber would be motivated to do this in order to reduce cost to the user.

Additionally, Webber discloses taking into account cost as a factor (col 3, lines 40-43; col 4, lines 1-5; col 4, lines 37-43; col 17, lines 52-64; col 19, lines 45-55) and other requirements (col 6, lines 30-37; col 20, lines 50-65).

Webber further discloses a third party (EFT) managing interactions between different companies (col 12, lines 11-25).

Webber further discloses that the managing is done by an independent third party (col 6, lines 12-28; Fig. 9) between a wide variety of entities (col 1, lines 5-45).

Webber further discloses establishing a supply chain (col 20, lines 15-21; col 7, lines 27-40; col 20, liens 29-43; col 6, lines 12-28; Fig. 9; col 1, lines 5-45).

Whipple further discloses planning a supply chain (col 1, lines 31-65). Planning and establishing a supply chain are related in goals and objects.

Additionally, Webber discloses utilizing a third party (col 6, lines 13-24; Fig. 2, item 260; col 14, lines 4-11).

Whipple discloses utilizing a third party (Fig. 18, item 160, 162; col 17, lines 40-45).

Additionally, Webber discloses planning (col 13, lines 5-10).

Whipple discloses planning (col 1, lines 27-31).

Webber further discloses managing collaboration between the matched service provider

and the manufacturer by facilitating the transmitting of information between the matched service

provider and the manufacturer (col 19, lines 9-26).

Webber further discloses providing a collaborative planning tool for managing the

collaboration between the matched service provider and the manufacturer (col 19, lines 9-26; col

3, lines 60-65; col 14, lines 48-54).

Webber further discloses the utilization of a collaborative planning tool (col 6, lines 24-

28; col 16, lines 18-40; col 20, lines 10-15; Fig. 9; col 6, lines 13-24; Fig. 2, item 260; col 14,

lines 4-11).

Additionally, Webber discloses taking into account cost as a factor (col 3, lines 40-43; col

4, lines 1-5; col 4, lines 37-43; col 17, lines 52-64; col 19, lines 45-55) and other requirements

(col 6, lines 30-37).

Claim 73, 90, 107: Webber and Whipple disclose a method as recited in claim 70, and

Webber further discloses the first business entity using the network to:

facilitate milestone-based project planning between the matched service provider and the

manufacturer (col 17, lines 24-31; col 19, lines 9-26; col 3, lines 60-65; col 14, lines 48-54).

Claim 74, 91, 108: Webber and Whipple disclose a method as recited in claim 70, and

Webber further discloses the first business entity using the network to:

display the manufacturer offerings of the matched manufacturer to the matched service provider

using the network, and display the services provided by the matched service provider to the

matched manufacturer (col 19, lines 9-26).

Claim 75, 92: Webber and Whipple disclose a method as recited in claim 70, and Webber

further discloses that the information of the manufacturer includes information relating to the

availability of the manufacturer offerings (col 20, lines 15-30; col 20, lines 50-65).

Claim 76, 93, 109: Webber and Whipple disclose a method as recited in claim 75, and

Webber further discloses the first business entity using the network to:

notify the service provider of the availability of the manufacturer offerings that match a service

installation (col 19, lines 9-26; col 3, lines 60-65; col 14, lines 48-54; col 17, lines 24-31).

Claim 77, 94, 110: Webber and Whipple disclose a method as recited in claim 72 for

milestone-based project planning during installation management in a network-based supply

chain environment, and Webber further discloses:

(a)   displaying on a display a pictorial representation of an existing service including a

plurality of components (col 4, lines 60-61; col 8, lines 41-51; col 11, lines 28-34; col 14, lines

40-44);

(b)   presenting on the display a first set of components that are to be delivered for an

installation in a first phase by indicia coding the first set (col 17, lines 24-31); and

(c)   presenting on the display a second set of components of the installation that are to be

delivered for the installation in a second phase (col 17, lines 24-31; col 19, lines 9-26; col 3,

lines 60-65; col 14, lines 48-54).

Webber does not explicitly disclose that different indicia are used for different phases of the project.

Webber further discloses project management (col 3, lines 60-65; 14, lines 48-54), scheduling (col 17, lines 24-31), and customized display formats (col 16, lines 19-47) in order to streamline processes (col 16, lines 14-47). Webber further discloses custom symbols in order to make a document easier to read and utilize (col 16, lines 33-36).

However, Webber further discloses project management (col 3, lines 60-65; 14, lines 48-54), scheduling (col 17, lines 24-31), and customized display formats (col 16, lines 19-47) in order to streamline processes (col 16, lines 14-47). Webber further discloses custom symbols in order to make a document easier to read and utilize (col 16, lines 33-36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to Webber's utilization of symbols or indicia to Webber's project management. One would have been motivated to do this because indicia or symbols allow a user an easy way to track different aspects of a project.

Claim 78, 95, 111: Webber and Whipple discloses a method as recited in claim 77.

Webber does not explicitly disclose presenting a legend which defines the indicia coding with respect to the phases of delivery of the components.

However, Webber discloses project management (col 3, lines 60-65; 14, lines 48-54), scheduling (col 17, lines 24-31), and customized display formats (col 16, lines 19-47) in order to streamline processes (col 16, lines 14-47). Webber further discloses custom symbols in order to make a document easier to read and utilize (col 16, lines 33-36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to add a legend to Webber's project management and the utilization of

symbols in a document. One would have been motivated to do this because a legend is obvious

in any document that utilizes special symbols.

Claim 79, 96: Webber and Whipple disclose a method as recited in claim 77, and Webber

further discloses that the components of the existing service are selected from the group of

components including security services, network services, web services, client services,

integration capabilities, data services, directory services, management services, operation

services, and developer services (col 3, lines 60-65; 14, lines 48-54; Fig. 2; Fig. 4).

Claim 80, 97: Webber and Whipple disclose a method as recited in claim 77, and Webber

further discloses that the components of the existing service are selected from the group of

components including commerce-related services, content related services, administration-

related services, customer-related services, and education related services (col 3, lines 60-65; 14,

lines 48-54; Fig. 2; Fig. 4).

Claim 81, 98: Webber and Whipple disclose a method as recited in claim 77.

Webber does not explicitly disclose that the indicia coding is selected from the group of

indicia coding including texture coding, color coding, and shading coding.

However, Webber discloses customized display formats (col 16, lines 19-47) in order to

streamline processes (col 16, lines 14-47). Webber further discloses custom symbols in order to

make a document easier to read and utilize (col 16, lines 33-36).

Therefore, it would have been obvious to one having ordinary skill in the art at the time

the invention was made to add texture, color, or shading Webber's documents with specialized

symbols. One would have been motivated to do this because texture, color, or shading are

obvious ways to make something stand out in a document and to attain the attention of a reader.

4.   Claims 82, 83, 84, 86, 99, 100, 101, 103, 112-115 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Webber (6,167,378) in view of Whipple (6,289,385) in view of Abgrall

(6,373,298).

Claim 82, 83, 84, 86, 99, 100, 101, 103, 112, 113, 114, 115: Webber and Whipple

disclose a method as in claim 70. Webber further discloses installing a service (col 16, lines 20-

25) and project management (col 3, lines 60-65; 14, lines 48-54) and that users can buy goods or

services or make specific requests (col 20, lines 15-21).

Webber does not explicitly disclose profiling a client user.

However, Abgrall discloses a method, program, and apparatus for displaying content to a

user based on a profile (Abstract and col 3, lines 28-31). Abgrall further discloses identifying a

user (col 8, lines 49-51; col 3, lines 8-11; and Fig. 1), collecting information about the user

wherein the information relates to the installation of a service (col 3, lines 1-8), building a profile

of the user based on the collected information (col 3, lines 10-15), managing a plurality of

different contents (col 2, lines 23-33), analyzing the profile and the contents in order to match

attributes of the profile of the user and attributes of the contents (col 9, lines 25-55), selecting the

contents which have attributes that match the attributes of the profile of the user (col 9, lines 40-

42), and delivering the selected contents to the user (col 9, lines 40-42).

Abgrall further discloses that the step of analyzing the profile occurs in real time (col 9,

lines 50-55 and col 10, lines 20-29).

Abgrall further discloses identifying a time when the user last viewed the contents, and indicating portions of the contents that have been modified or added since the time when the user last viewed the contents (col 3, lines 10-15; col 4, lines 26-31; col 11, lines 34-35; and col 10, lines 20-25).

Abgrall further discloses further discloses allowing the user to rate the contents (col 4, line 67-col 5, line 7 and col 10, lines 22-25).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Abgrall's profiling a client user to Webber's providing a service to a client user and allowing a client user to purchase goods or services. One would have been motivated to do this because profiling a client user who makes requests or purchases goods or services increases the likelihood of more efficient sales of goods or services to the client user.

5.   Claim 85, 102 are rejected under 35 U.S.C. 103(a) as being unpatentable over Webber (6,167,378) in view of Whipple (6,289,385) in view of Abgrall (6,373,498) in view of Gerace (5,991,735).

Claim 85, 102: Webber, Whipple, and Abgrall disclose a method as in claims 82. Abgrall further discloses that the user is identified by receiving user input (col 4, line 67-col 5, line 7 and col 10, lines 22-25) and that digital signatures are used (col 9, lines 3-11).

Abgrall further discloses profiling the user utilizing a variety of means (col 3, lines 1-15), utilizing a website and downloaded software to assist in the user identification and profiling (col 4, lines 20-27; col 4, line 65-col 5, line 6), and that the system can utilize the Internet and websites (col 2, lines 35-45; col 2, lines 22-26).

Abgrall does not explicitly disclose the use of cookies to identify a user.

However, Gerace discloses identifying a user and his preferences using cookies (col 13, line 59- col 14, line 2). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to add Gerace's utilization of cookies to Abgrall's user profiling and content delivery method, program, and system. One would have been motivated to do this so that Abgrall can track users utilizing a method common to the industry that provides ease of management when interacting with the Internet.

Response to Arguments

6.   Applicant's arguments with respect to claims 70, 73-87, 90-104, 107-115 have been considered but are not found persuasive.

Examiner notes that while specific references were made to the prior art, it is actually also the prior art in its entirety and the combination of the prior art in its entirety that is being referred to.

Examiner further notes that it is the Applicant's claims as stated in the Applicant's claims that are being rejected with the prior art.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Please also note that the additional citations added below have also been added to the rejection above.

In response to Applicant's Amendment dated 10/12/04, on page 11, 12 the Applicant

states that he Office Action dated 7/12/04 did not address the amended features of the

Applicant's claims. However, the Applicant has note stated which specific claim he is stating

this about nor what features he thinks are not covered or addressed by the 35 USC 103(a)

rejection. Also, if the entire rejection of the independent claims 70, 87, and 104 rejection is read,

one would see that citations and references were made concerning the features of 'framework

manager' and 'and evaluate'.

On page 12- 14 of the Applicant's Amendment dated 10/12/04, the Applicant states

several arguments against the Webber reference.

Applicant states that Webber, "fails to disclose any evaluation of the information

provided by the service provider and manufacturer to the framework manager, as claimed in the

present invention, nor does Webber teach such evaluation".

Also, Applicant states in regards to Webber, "no evaluation of potential matches is

disclosed, nor is evaluation performed by a third party to determine the appropriate match of

information regarding supply chain participant offerings or needs. The matching that is

disclosed in Webber is that derived from automation. Furthermore, Webber does not teach

toward using a third party to evaluate and match information derived from the supply chain."

However, the independent claims do not state that matching is done by automation or not

by automation.

Additionally, Whipple explicitly discloses the framework manager as stated in the

rejection of the independent claims above. And, Webber and Whipple disclose a third party

performing evaluation as disclosed in the rejection of the independent claims above and in the

citations below.

Additionally, Webber discloses utilizing a third party (col 6, lines 13-24; Fig. 2, item 260;

col 14, lines 4-11).

Whipple discloses utilizing a third party (Fig. 18, item 160, 162; col 17, lines 40-45).

Additionally, Webber discloses that the business entities and parties involved, including

project management, utilize the Internet (Fig. 1, Fig. 2).

Webber discloses that a wide variety of business entities are involved, (Fig. 1, Fig. 2)

including various businesses, services, contracts, parties (col 3, lines 59-68)

Webber further discloses matching buyers of goods or services with suppliers of goods or

services, the matching of proposals (col 20, lines 15-21; col 7, lines 27-40; col 20, lines 29-43).

Webber further discloses using and evaluating the information provided by the service

provider via the network and the manufacturer to match the service to the offerings (col 20, lines

15-21; col 20, lines 29-43).

Note that Webber's matching of a service request with the information on suppliers,

goods, and services is evaluating which supplier, good, or service is an appropriate or possible

match with the service request. Also, note that the evaluation can include cost information (col

20, lines 50-65; col 20, lines 21-30). Note that it would be obvious for Webber to include the

provided price information when evaluating which match to inform the user of. Webber would

be motivated to do this in order to reduce cost to the user.

Additionally, Webber discloses taking into account cost as a factor (col 3, lines 40-43; col 4, lines 1-5; col 4, lines 37-43; col 17, lines 52-64; col 19, lines 45-55) and other requirements (col 6, lines 30-37; col 20, lines 50-65).

Webber further discloses a third party (EFT) managing interactions between different companies (col 12, lines 11-25).

Webber does disclose that the managing is done by an independent third party (col 6, lines 12-28; Fig. 9) between a wide variety of entities (col 1, lines 5-45).

Also, Applicant states that, Webber does not consider that the software installation itself is installed through a supply chain framework.

However, the Applicant's independent claim 70, 87, 104 does not disclose software installation. Applicant's claim 70, 87, 104 only discloses the generic 'installations'. Additionally, Webber's disclosure of installations is addressed in the rejection of the independent claim above.

Also, Applicant states that Webber citations only disclose the execution of a purchase through a supply chain, but no planning.

However, Webber discloses planning (col 13, lines 5-10).

Whipple discloses planning (col 1, lines 27-31).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS_from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Arthur Duran whose telephone number is (703)305-4687. The

examiner can normally be reached on Mon- Fri, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Eric Stamber can be reached on (703)305-8469. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

11/8/04